

### **REMARKS**

Reconsideration of the present application is respectfully requested. Claims 1, 20 and 34 have been amended. Claim 33 has been withdrawn. Claims 1 – 32 and 34 – 39 are currently pending.

#### **Rejections based on 35 U.S.C. § 102 and § 103**

Claims 1 – 2, 5 – 6, 20, 22, 34 and 36 stand rejected under 35 U.S.C. §102(b) as being anticipated by Edelman, US Patent No. 5,680,563 (“Edelman”). Claims 3 – 4, 7 – 19, 21, 23 – 33, 35 and 37 – 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edelman in view of “iPhoto 2 for Mac OS X: Visual Quickstart Guide” by Engst (“Engst”). Applicants respectfully traverse the pending rejections.

#### **Claims 20 – 39**

Claims 20, 22, 34 and 36 stand rejected under 35 U.S.C. §102(b) as being anticipated by Edelman. Independent claim 20 has been amended to include a limitation previously presented in dependent claim 33. Claim 33, along with claims 21, 23 – 33, 35 and 37 – 39, stands rejected under 35 U.S.C. §103(a) as being unpatentable over Edelman in view of Engst. Independent claim 20, as amended, requires a default grouping that “divides said filtered images into groups automatically.” Similarly, independent claim 34 has been amended and now recites “automatically dividing said one or more filtered items into a plurality of groups in accordance with the default grouping associated with the selected filter.” Applicants respectfully submit that neither Edelman nor Engst teach these limitations of amended independent claims 20 and 34.

The Office Action states, “Edelman fails to explicitly teach that *said default grouping divides said filtered images into groups automatically.*” Office Action, p. 6. To teach

this element, the Office Action relies on Engst and states, “Engst teaches default settings and changing the default settings on how photographs are displayed on the screen.” Office Action, p. 6 (citing pages 13 – 15 of Engst). While Engst may teach the changing of default settings, these settings in no way suggest dividing items into groups automatically as required by the amended independent claims.

Engst is a guide to a software product, iPhoto, which allegedly allows users to organize and share their digital photos. Beginning on page 13, Engst discusses how iPhoto allows a user to change the layout of the display pane. From a “Preferences window,” the user can change the bordering, the shadowing and the background of an image’s presentation. The user can set double-clip preferences, define image rotation and identify a mail application. Engst, p. 13. As illustrated on page 14, the images are displayed in accordance with the various preferences. The preferences taught by Engst, however, do not define how the images are grouped. Changing the layout of the display pane, of course, is not same as dividing items into groups. Indeed, none of the settings or controls taught by Engst teaches or suggests an automatic division of filtered items into groups.

In contrast, independent claim 20, as amended, requires a default grouping that “divides said filtered images into groups automatically.” Similarly, amended independent claim 34 recites “automatically dividing said one or more filtered items into a plurality of groups in accordance with the default grouping associated with the selected filter.” Neither Edelman nor Engst teach or suggest such dividing “said filtered images into groups automatically.” Accordingly, these references, either separately or in combination, fail to teach the claimed invention as recited in amended independent claims 20 and 34. Thus, Applicants respectfully submit that independent claims 20 and 34 are in condition for allowance. Applicants further

submit that dependent claims 21- 32, which depend from claim 20, are in condition for allowance for at least the same reasons discussed above with respect to claim 20. Applicants further submit that dependent claims 35- 39, which depend from claim 34, are in condition for allowance for at least the same reasons discussed above with respect to claim 34.

Claims 1 – 2 and 5 – 6

Claims 1 – 2 and 5 – 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Edelman. Applicants respectfully traverse this rejection because Edelman fails to teach “an item grouping component configured to divide said one or more filtered items into a plurality of groups automatically in accordance with at least one default grouping,” as required by amended independent claim 1. In addition, Edelman fails to teach a plurality of groups that are “presented along with one or more group titles that indicate at least one of said one or more group characteristics [shared by the items in the group],” as required by amended independent claim 1.

Edelman teaches a filtering framework in an object-oriented operating system. Using the interface taught by Edelman, a user can filter which items are presented. For example, the user may select to view all of the items or may choose to view only one type of item. *See* FIGS. 6 and 7. As previously mentioned, Edelman does not take items selected by a filter and divide these filtered items into groups automatically. *See* Office Action, p. 6 (“Edelman fails to explicitly teach that *said default grouping divides said filtered images into groups automatically*.”). After the filtering operation, Edelman merely displays selected items, while removing non-selected items from view. The items are not presented in groups of items that share a group characteristic or along with an indication of such a group characteristic.

In contrast, amended independent claim 1 recites teach “an item grouping component configured to divide said one or more filtered items into a plurality of groups automatically in accordance with at least one default grouping.” Further, claim 1 requires a plurality of groups that are “presented along with one or more group titles that indicate at least one of said one or more group characteristics [shared by the items in the group].” Edelman does not teach such dividing of filtered items “into a plurality of groups automatically” and does not teach a presentation that includes “one or more group titles” that indicate shared group characteristics. Thus, Applicants respectfully submit that independent claim 1 is in condition for allowance. Applicants further submit that dependent claims 2, 5 and 6, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1.

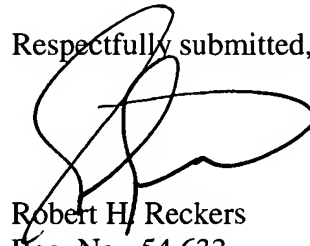
Dependent Claims 3 – 4 and 7 – 19

Dependent claims 3 – 4 and 7 – 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edelman in view of Engst. Claims 3 – 4 and 7 – 19 depend from independent claim 1. As discussed above, claim 1 is patentable over Edelman. Engst also fails to disclose the invention of claim 1, individually or in combination with Edelman. Claims 3 – 4 and 7 – 19 include all of the limitations of claim 1 and are also patentable over Edelman and Engst, taken individually or in combination with one another, for at least the reasons stated above.

**Conclusion**

For the reasons stated above, Claims 1 – 32 and 34 - 39 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Robert H. Reckers', written over the typed name.

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